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FLANNER & BUCHANAN-172 North Illinois street. Lady embalmer, for ladies and children. Office always open. Telephone 64L Hacks at lowest prevailing price.

FUNERAL DIRECTORS.

Gauld & Bro. Tel. 1894.

FOR SALE-REAL ESTATE. FOR SALE-Desirable improved 80-acre farm, two and a half miles from Anderson. Inquire CHARLES EDWARDS, 23 Jenerson street,

FOR TRADE-REAL ESTATE. FOR TRADE-Real Estate-Hotel property Tip ton for farm. Business block near Lafayette n good town for trade. Six-room dwelling Pleasant avenue near Dillon for small farm Marion county. We have all kinds of trading property in the way of farms or city property nbered property and clear property. Parties wishing to dispose of their properties would do well to call and see us. We make no charge unless we make you a trade. WEBB & CO., 6 and 62 When block.

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FOR SALE-Bargains in shop-worn, new and second-hand wheels at C. G. FISHER & CO.'S,

FINANCIAL LOANS-Money on mortgages. C. F. SAYLES, 75 East Market street.

LOANS-Mortgage; lowest rates. NEWTON TODD, 6 Ingalis block. LOANS-Sums of \$500 and over. C. E. COFFIN & CO., 90 East Market street.

MONEY-To loan on Indiana farms. Lowest rates, with partial payments. Address C. N. WILLIAMS & CO., Crawfordsville, Ind. LOANS-Any amount. On furniture, planes, store fixtures, etc. Reasonable rates. (Confidential.) E. J. GAUSEPOHL, 21/2 W. Wash. St., Room 4. MONEY-To loan on Indiana farms. Lowest market rate; privileges for payment before due. We also buy municipal bonds. THOS. C. DAY & C., Rooms 325-330, third floor Lemcke Building, Indianapolis.

WANTED-MALE HELP. WANTED-Salesmen for cigars; \$30 weekly salary and expenses; experience unnecessary; per-nament position. W. L. KLINE CO., St. Louis. WANTED-An idea. Who can think of some simple thing to patent? Protect your ideas; they may bring you wealth. Write JOHN WED-DENBURN & CO., patent attorneys, Washington, D. C., for their \$1,890 prize offer and new list of 1,860 inventions wanted.

WANTED-MISCELLANEOUS. of David Coldwell, florist by trade; last heard from in Indiana. State of Ohio. His cousin, Lizzie Scanlin, would be glad to hear any in-formation regarding him. Address LIZZIE formation regarding him. Address LIZZIE. SCANLIN, No. 10 Dutton street, Lowell, Mass.

NOTICE-Bids for one year from May 1, 1897, reived by the board of trustees until 2 p. m.

April 29, 1897. Specifications on file at steward's office. The board reserves the right to reject any or all bids. By order of Board of Trustees.

D. H. DAVIS, Pres.

STORAGE. STORAGE-Indianapolis Warehouse Co., 265-273 S Penn. st., Pennsylvania tracks. Phone 1343.

LEGAL ADVERTISEMENTS.

SEALED PROPOSALS.

PROPOSALS FOR SUPPLIES FOR THE POST-SERVICE, DEPARTMENT AND POSTAL

POSTOFFICE DEPARTMENT, WASHINGTON, D. C., April 5, 1897. proposals will be received at this Dertment until Thursday, May 6, 1897, at 2 clock p. m., for furnishing wrapping paper, rapping paper for facing slips, twine, letter scales, postmarking and rating stamps, rubber stamps, canceling ink, pads, paper, rubber goods, pens, penholders, pencils, inks, mucilage, glass goods, rulers, folders, articles of steel, rubber erasers, books, typewriter supplies and miscel largeous stationery, in such quantities of the dif-ferent articles, respectively, and at such times and from time to time, as they may be ordered,

during the fiscal year beginning July 1, 1897, and ending June 20, 1898, for the use of any branch of the departmental or postal services. the departmental or poetal service. Blanks for proposa's, with specifications giving detailed statements of the requirements to be met in respect to each article, and also the esti-mated quantities probably to be required of each, and giving full instructions as to the manner of bidding and conditions to be observed by bidders, will be furnished on application to the Postoffice Department, Washington, D. Postmaster General reserves the right to reject any or all bids, to waive technical defects, and to accept any part of any bid and reject the other part.

JAS. A. GARY, Postmaster General.

SEALED PROPOSALS.

PROPOSALS FOR FURNISHING REGISTERED PACKAGE, TAG, OFFICIAL, AND DEAD-LETTER ENVELOPES.

WASHINGTON, D. C., April 5, 1897. Sealed proposals are invited and will be received at this Department until 2 p. m., on Thursday, the 6th of May, 1897, for furnishing such Registered Package, Tag. Official and Deadletter Envelopes as may be ordered for the use of the Department, postmasters and the postal service during a period of one year, beginning on the 1st day of July, 1897. als must be made on the blank forms provided by the Department, securely enveloped and sealed, indersed "Proposals for Purnishing Registered Package, Tag. Official and Dead-letter Envelopes." and addressed to the Third Assistant Postmaster General, Washington, D. C. dids delivered in person must be handed in at or before the hour above specified for the re-ceipt thereof; otherwise they will not be con-sidered. Blank forms of proposal with full specifica-

rished upon application to the Third Assistant Postmaster General. JAS. A. GARY. Postmaster General.

SEALED PROPOSALS.

PROPOSALS FOR FURNISHING ENVELOPES FOR THE SEVERAL EXECUTIVE DE-PARTMENTS DURING THE YEAR ENDING POSTOFFICE DEPARTMENT.

WASHINGTON, D. C., April 5, 1897. By the 96th Section of the Act of Congress ar proved January 12, 1895, it is made the duty of the Postmaster General to contract for all Envelopes, both plain and printed, to be used "by is own or other Departments." er this authority proposals are hereby invited and will be received at this Department until 2 p. m., on Thursday, the 6th day of May, 1857, for furnishing such Envelopes as the several Executive Departments in Washington may require during the year ending June 30, 1898. Proposals must be made on the blank forms provided by the Department, securely enveloped and sealed, indersed "Proposals for furnishing Envelopes for the several Executive Departments," and addressed to the Third Assistant ostmaster General, Washington, D. C. Bids to e delivered in person must be handed in at o efore the hour above named; otherwise they will not be considered.

Blank forms of proposal with full specifications, will be furnished upon application to the Third Assistant Postmaster General.

NOTICE.

THE INDIANAPOLIS & NORTHEAST-ERN RAILROAD COMPANY. The annual meeting of stockholders of the In dianapolis & Northeastern Railcoad Company will be held at the principal office of the company, in the city of Indianapoits, Ind., on Thursday, April 29, 1897, for the election of directors and the transaction of such other business as may be brought before the meeting. The transfer books will be closed April 19 and remain closed util after the meeting.

By order of the board of directors.

JAS. A. GARY, Postmaster General.

FOR RENT. FOR RENT-New hotel; just completed; opposite Union Station. Evansville, Ind. For particulars inquire IRA M'COY, Evansville, Ind.

D. B. MARTIN SAYS CLERKS MUST REST ONE DAY ON THE B. & O.

Speculation as to the Time Indiana Roads Will Be in the Hands of Receivers-Other Railway News.

D. B. Martin, when general passenger agent of the Big Four lines, made it a rule to have no work done in his department on Sunday if it could possibly be avoided, and in beginning on the Baltimore & Ohio as its passenger traffic manager he will pursue the same course, but more rigidly. The Baltimore Sun says he was at his desk | property. on Monday morning early and was busily engaged during the day in becoming familconveys the impression of exceptional executive capacity, and the manner in which he took hold of the duties of his office indicated that he was an aggressive and experienced railroad man. He said that as yet he had not determined upon any changes, but he was there to promote the business of the road and every move would be in accord with this object. He suggested to the employes of the department that Sunday work was not expected of them. Speaking of this, Mr. Martin said that he was opposed to Sunday work and believed the day should be one of rest. Men could, he added, perform a higher class of work by taking one full day of rest, and on Sunday they belonged to their families. While the day has been closely observed in the various departments of the Baltimore & Ohlo Railroad, the mass of work that sometimes accumulates in busy seasons occasionally induces employes who are ambitious to keep up with their duties to employ the day in catching up with their work. Mr. Martin's views, as well as those of the other head officials, are that so far is practicable Sunday marks a cessation of

The Length of Receiverships. An official of the Pennsylvania Company, when asked how long the Vandalia would probably be in the hands of the courts, said he could not tell, but no interest was now suffering, and he thought there would be no haste in taking the property out of the hands of a receiver. The road is operated economically and the earnings, after paying operating expenses and other obligations that could not be ignored, were used in paying interest, and as general the Vandalia will improve, and he quesfoned if, under present conditions, the owners of the securities would not prefer to have the road operated under receiver who is competent and responsible to the courts for operating the road economically and disbursing the earnings to the best advantage of all con-

cerned. So far as he knew the Pennsylvania people were well pleased with the situation of the Vandalia, and are much more at ease than they would be with unpaid claims against the road which they vould be unable to meet. President Thomas, of the Chicago, Indianapolis & Louisville, hopes to have the road out of the hands of the courts within the next thirty days. This receivership has been an unusually short one, for the reaon that the claims against the road were held by persons who are in the reorgan-

ized company and the road was not thrown into the hands of a receiver to enable the company to resist any just claims, but to prevent the payment of claims which were contracted illegally, it was claimed. The bondholders of the Louisville, Evansville & St. Louis are becoming uneasy and as there are parties ready to bid on the road and pay a fair figure for the property were it taken out of the hands of the court, it is believed that within a few months steps to sell the road and place it under the control of some strong line

will be carried out. The affairs of the Toledo, St. Louis Kansas City are so complicated that it would seem that a reorganization is still many years' distant. When one question is settled by the courts another seemingly as important is brought out and the plans of reorganization committees again

Row Over Endeavor Business. Considerable bad feeling has developed imong the Western roads over Christian Endeavor Association business. The understanding was that no road should contract any of this business until a definite arrangement had been arrived at concerning rates and methods of routing. Now it is reported that some of the roads have gone and contracted large parties in the East. It is not alleged that the agreed rate has been cut, but the fact that contracts have been made relieves the other roads, it is claimed, from their obligation to maintain the agreed rate. A general demoralization is likely to result from the present friction. There is admittedly no money for the roads in the business at the rate that has been agreed on, and why any road should desire to go in and demoralize things still fur-ther is what a majority of the roads can-

not understand. Chicago Roads Object.

Representatives of the Chicago roads, Association, in discussing the call issued by Chairman Kent for a meeting in St. Louis next Tuesday, declared yesterday that they would not be parties to any such agreements as the Southwestern Associa-tion has had in effect in the past. These agreements have been remarkable for their weakness. As preventives of rate demoral!zation they have been next to useless. The Chicago roads declare that if the association is reorganized it must be on a sound, effective basis. They will insist on the same lines being followed as have been marked out by the proposed new agreement of the Western Passenger Association.

Commissions Causing Trouble. More demoralization has been discovered in connection with the excessive commissions now being paid by the Western roads, The report circulated the other day that the Missouri Pacific and Union Pacific were paying commissions to ticket brokers in Denver has set the other roads to pay them, not only in Denver, but throughout Western territory. Of course, the brokers are using the excessive commissions to cut rates and demoralization is becoming widespread. Threats have been renewed that unless the present practice is not stopped immediately open reductions in the tariff will be made to meet the cuts put into effect by the brokers. The present conditions are extremely critical.

Subsidy Failed to Carry.

An election was held in Sims township, Grant county, Tuesday, on the question of voting a subsidy to the C., I. & E. Railway Company. The subsidy was defeated by majority of 32. As soon as the vote was known a meeting was held at Swayzee, at of way from Swayzee to Fairmount. The promoters of the road stated that this would be a satisfactory substitute for the proposed subsidy of \$10,000, Harry Drew, of Indianapolis, who has been one of the chief promoters of the project, was in Marion vesterday and stated that the road would be extended, though it had not been determined in what direction.

Personal, Local and General Notes. May 1 is the day fixed for numerous changes to become effective on the Norfolk

Hereafter the National Association of Air Brakemen will meet with the Traveling Engineers' Association, which will hold its next convention in Baltimore. The Ohio Southern has become an important feeder to the Panhandle lines, turning over thirty to fifty loaded cars per day to go East over the Panhandle.

the Chesapeake & Ohio, whose injured ankle was recently operated on, will be able to leave the hospital in two weeks. The Baltimore & Ohio Southwestern will on Sunday inaugurate Sunday excursions, running excursion trains into Cincinnati from the west and the eastern divisions. It is stated that W. S. Busenbark, in the position he has accepted, receives \$3,000 more a year than he would had he accepted

Harry Fuller, general passenger agent of

the position offered him on the Baltimore & Oblo Southwestern. The Cincinnati, Hamilton & Dayton people are anticipating such a crowd on Sunday for Cincinnati as to necessitate the running of the excursion train in two sections of ten cars each. Indianapolis, hid., March 24, 1897.

It is stated that Charles Scuil, late gen-presses con eral passenger agent of the Baltimore & to attend.

Ohio, has already been offered a good posthe received on the B. & O. The understanding now is that there will TO BE NO SUNDAY WORK senger traffic manager, has direct lieuten-

ants handling this department.

George E. Tenner has been appointed general agent of the Pittsburg, Bessemer & Lake Shore road at Fairport, to have charge of the ore vessels plying between that point and the Mesaba range. The Mexican Central has awarded a contract to build 325 box, 150 coal and 75 stock cars to the Michigan Peninsular Car Company. The same works are building 150 flat cars for the Northern Pacific. F. C. Maegley, joint agent of the weighing and inspection bureau at Kansas City, will, it is said, be elected successor of C. I Kansas City Transportation Bureau. The break in the Indianapolis & Vin-

cennes road near Campbell will be repaired by Saturday. Beside a large amount of piling, over 700 cars of dirt and gravel have been used in filling the gap washed out. George Saul again being elected president of the Ohio Southern. It has been known for some time that he has been trying to

F. B. Choate, now at Sacramento, and F. H. Plaisted, of San Francisco, have been appointed by General Freight Agent iar with the work of his department. The | Munroe general agent and traveling agent, department at Salt Lake. The earnings of the Lake Erie & Western

the second week in April showed a decrease ing week of 1896. The earnings of the Chesapeake & Ohio in the second week show an increase this year of \$26,539. Stockholders of the New York Central a director to succeed S. S. Jewitt, deceased. All the other directors were re-

J. A. Carney has been appointed master mechanic of the St. Louis division of the Burlington road, with headquarters at lowa division of the same road, with headquarters at Burlington. The traffic manager of the National stockyards of East St. Louis has filed with the

Illinois Railroad and Warehouse Commission a complaint against the Baltimore & Ohio Southwestern Railway Company alleging discrimination in rates for the shipment of stock in Illinois. The transportation officials of the Nickelplate, the West Shore and the Fitchburg new fast time schedule between the West

have made no special attempt at fast service, aithough having a short line. A national convention of railroad commissioners will be held in St. Louis May The attendance will not be confined exclusively to those now holding office in the participated in the last convention, which was held in Washington a year ago.

Steps are being taken looking to extendng the Findlay, Fort Wayne & Western a connection with the Illinois Central, and the business men of North Manchester will hold a meeting to see what inducements that town can offer the company to include North Manchester as one of the points the road would strike.

P. A. Bonebrake, superintendent of the Louisville division of the Pennsylvania ines, states that business on that division is improving, and as the shipments of fruits and vegetables from the South are now now. I refuse the request to sue the resetting in and the shipments from the cement works are increasing, the road will begin to show better earnings. Under the new schedule of the Big Four

a passenger leaving Cincinnati at 8:30 p. m. can reach Boston at 10:30 p. m. next evening, covering the distance in twenty-six hours. It is probable that an arrangement will be made by which connection will be made from St. Louis and Indianapolis with this fast train for New England. The Knickerbocker over the Big Four from St. Louis to Cleveland is scheduled at forty-one miles an hour, not including

stops, which, when deducted, make the average speed of forty-seven miles hour, and every moment lost on its scheduled time still more increases the speed. Much of the distance the train is hauled at a speed of over sixty miles an hour. East-bound business with the Pennsylvania lines and the Baltimore & Ohio is much heavier than is west-bound. On Sunday the Panhandle took into Pittsburg thirty-five sections of east-bound freight, while but fifteen full sections were for-

warded west from that point, and the same proportion exists with the Baltimore & Ohio, the Erie and the Lake Shore lines. The railroad companies entering Pittsburg have begun a crusade against passengers who leave Pittsburg carrying baskets and large packages into the coaches and compelling them to check such packages and carry them in the baggage car or send them by express. It is said that the custom of carrying packages has become so com-mon that often there are more packages in the coaches carried by individuals than in the express car.

The Joint Traffic Association's new plan for dealing with the mileage book provides for a form of book not good on trains between stations where there is an agent of whom a ticket can be purchased. The holder of the mileage will be compelled to present his book to the ticket agent and have the mileage abstracted, and for this he will receive a ticket. Where there is no ticket agent at a station the mileage book will be honored on the train.

General passenger agents of the Western roads did not adopt the proposed new agreement yesterday. They spent the entire day in discussing it clause by clause. but did not nearly get through with the cause him to change any such allowance." work, which they will continue to-day. Yesterday's discussion, lengthy as it was, did not result in any fundamental changes being introduced in the measure, and the probabilities are that the draft will eventufrom the hands of the committee. Rates on lumber from all Wisconsin

points to the Southeastern and Eastern markets will be reduced about May 1 by the Wisconsin, Central line 2 cents per 100 pounds. The announcement is made by a prominent member of the Wisconsin Valley Lumbermen's Association. Burt John-son, general freight agent of the Central road, said: "While I am not now prepared to say what the amount of reduction referred to will be or when it will take effect. I can say that within a short time we think matters can be so arranged that the lumber interests will be given substan-

Commissioner G. R. Blanchard, of the Joint Traffic Association, has sent out letters to all roads in the association advising them immediately to issue instructions to all traffic officers, agents and connections strictly to maintain all published tariffs from Chicago and all other points on flour and all other east-bound traffic until changed according to law. He also asks the roads to furnish him with copies of the instructions sent out, so that he may know that the instructions of the Joint Traffic Association are being carried out. order from Commissioner Blanchard will have the effect of relieving the anxiety of traffic managers who have been fearing that some road, by cutting rates, might involve all roads in a destructive rate war. S. R. Calloway, president of the Nickelplate, returned from New York, and in conversation, said: "If the Joint Traffic Association does not live in one form it will in another form. Our attorneys, who are recognized as the best lawyers in the country. have assured us that the organization is legal. In time the public will undertsand that pooling arrangements are essential, The railroads in England went through the scarlet fever, influenza, and nervous trouble exactly as we are now doing, and the people finally realized that the large roads were which steps were taken to secure the right | destroying the weak lines, and that the service was rapidly deteriorating. At the present time they have a railroad clearing house in England. Shippers will find that it is to their interest to permit pooling. which I regard as a solution of the

The Dishes Were Saved. Christian H. Lueke lives at No. 198 Lincoin lane. When he is out of work his family says he gives them a good deal of worry, for they need his support. When he has work he gives them more worry by dishes in the house. He gets drunk first. Recently he has been working. Last aight he got drunk and started in on the dishes. He formerly was satisfied with breaking them one at a time, but last night he determined to execute a coup. He piled all the dishes in a corner and was about to break them at a single blow when Patrolman Ware stepped in and arrested him. The police had been notified of what he was doing, and Ware reached the house on his wheel before Lucke finished his work of destruction. He was charged with disturb-

ing the peace. Governor Will Not Attend. Governor Mount has decided not to undertake to attend the Grant ceremonies in New York. During the last month or two he has been so busy with the pressing work of his office that he did not have an opportunity to make appointments to his staff until a week or so ago, and the staff other grain of a similar kind, both parties

Ohio, has already been offered a good post-tion and one which pays as much salary as CAN SUE THE RAILROAD

be no general passenger agent appointed for the Big Four lines. E. O. McCormick, pas- JUDGE WOODS ENTERS AN ORDER IN THE VANDALIA CASE.

> Claim of the State to Be Determined in the State Courts-Last Kick of the Roby Racers.

Judge Woods, of the Federal Court, after hearing an argument by an array of the Vanlandingham as commissioner of the best legal talent of the State, yesterday morning, upon the application of the State through the attorney general for leave to sue the Vandalia Railroad and its receiver in one of the state courts to recover the alleged debt of \$2,000,000 due the State un-It is stated that there is a possibility of | der the terms of the old special charter of the road, handed down a decree. He rules that the State may sue the road, but not induce his friends to regain control of the the receiver, nor can it file an intervening petition in the receivership case. As the books of the company are in the hands of the receiver, this would make it impossible for the State to force an accounting, but Sun says: "In appearance the new official respectively, for the Union Pacific freight | the court specifically stated that the State should have access to all information in the hands of the receiver. The State was of \$1,380, as compared with the correspond- represented by the attorney general, Judge R. S. Taylor, Ferdinand Winter and R. O. Hawkins. The original plaintiffs in the receivership case were represented by W. H. road held their annual meeting at Albany H. Miller, the railroad company by S. O. yesterday and elected H. McK. Twombley Pickens and the receiver by John G. Williams. The only arguments were made by elected. Only routine business was trans- Judge Taylor and Mr. Williams. Judge the relations of the road and the State. and declared that it was his view that the Beardstown, vice J. A. Deems, promoted company could not escape the obligation to the position of master mechanic of the imposed by the special charter through its own neglect to declare and pay dividends. In the course of his speech the court remarked that while he might be inclined to give the State access to the receiver's books, he would not give it control over the receiver lest it might hold the receivership there ten years. Judge Woods declared that the court recognized the propriety of the petition that the state courts roads will meet next week to arrange the determine a naked question of liability. Judge Taylor was followed by John G. | fendants. Williams, who contested the proposition and New England. Heretofore these lines that the state courts should be given any control over the receiver, and declared, further, that it was better that the whole thing should be adjudicated in the Federal Court. At the close of the argument the court agreed that the State should have access to all the books in the hands of the different States, but will include those who | receiver, and gave an oral decision as fol-

'I have not been alarmed at the amoun of funds that are to be distributed over and above the amount of the mortgage. If Mr. Ketcham should make a large fund that need not alarm you. I think the principal parts of this case should be fought out in the state courts. I do not think the State's remedy depends upon anything that may be lone in this court. If the State estabishes its rights, keeps out of this court. and the property is sold, then it would have the same rights against the purchasers that it has now against mortgageors. But that question is far ahead ceiver. Of course you have the right to sue the corporation. I refuse, for the present, at least, to entertain an intervening petition. The court gives permission that the suit be brought against the railroad company in the state courts. Later the court ordered the following en

try made: "Come now the complainants, the fendant, the receiver heretofore appointed herein and the cross plaintiff by their respective counsel, and now comes also the State of Indiana by its counsel and the matter of the application or the said State of Indiana to be permitted to sue the de fendant and the receiver in a court of the State or to be permitted to file its intervening petition herein coming on for hearing and the court, having heard the arguments of counsel and being fully advised in the premises, does now order; "First-That the application for leave to file an intervening petition be and the same

is hereby denied. "Second-That the application of the State of Indiana for leave to implead the receiver in a suit to be brought in one of the courts of the State and to sue said receiver therein be denied Third-That leave is hereby granted to the State of Indiana to sue the defendant the Terre Haute & Indianapolis Railroad Company, in one of the courts of the State of Indiana, but without right to implead

the receiver. "To which ruling, order and decree in permitting the defendant, the Terre Haute & Indianapolis Railroad Company to be sued by the State of Indiana in one of the courts of the State, the said defendant and the complainant, each severally and separately at the time except; and to which ruling, order and decree in refusing permission to sue the receiver in a court of the State of Indiana and in refusing permission to file its intervening petition herein and to each of them separately, the said State of Idlana at the time excepts." The attorney general seemed very well pleased with the decision of the court. gives us very nearly all that we asked for."

said he, "except the right to sue the re-ceiver. The effect of refusing to permit thirty customers, all of whom asked the suit against the receiver is simply that the Federal Court reserves the right of re- board to grant police powers to Callahan. vision of any allowance made by the state ourts, but the court remarked that it one outbority upon the ground that it did

Says He Beat Her.

Nellie Wilkey seeks a legal separation from John W. Wilkey, to whom she was ally be adopted substantially as it came wedded in September, 1892. Wilkey, she has assaulted her and was th cause of her having to be sent to the hospital. In July, 1896, as charged, he removed their household goods, leaving the plaintiff and her child destitute and without shelter. Mrs. Wilkey says her husband carried a pistol and threatened to kill her.

No Hope for Roby.

The last hope of the promoters of continuous racing at the collection of tracks near Roby died yesterday when the Su preme Court denied their motion for a rehearing in the injunction suit brought against them by Matthews when he was Governor. They must comply with the law, which permits racing not more than thirty days at one time.

Dickson & Talbott Won. In the suit of Harvey Kennedy, colored, against the theatrical firm of Dickson & Talbott the jury, in Room 1. Superior Court, yesterday, found for the defendants. The plaintiff claimed he was refused a seat in

the dress circle of the Park Theater.

THE COURT RECORD. Supreme Court. TAXATION - LIMITING CREDITS

PRACTICE. 18207. Henry C. C. Moore, treasurer, al., vs. Hewitt. Affirmed. McCabe, J. Where the clerk's certificate states that the longhand manuscript of the evidence was filed in his office before it was incorporated in the bill of exceptions, that fact is sufficiently shown to entitle the evidence to consideration by the Supreme Court. 2. Under the tax law of 1881 a person who failed to put down in his assessment list credits for which he would be entitled to a deduction on account of an equal amount of indebtedness did not thereby lose his right to such deduction and become liable to taxation for such credits, when they were omitted without fraudulent intent and at the suggestion of the assessor. FRAUD - BEGINNING ACTION - AP-

PEAL-FINAL JUDGMENT. 17705. Kosciusko C. C. Galentine et al vs. Brubaker, administrator. Reversed. Hackney, J.-1. In a proceeding to subject to sale for the payment of a decedent's debts lands which he is charged to have fraudulently conveyed, an entry adjudging that the conveyances were fraudulent and are set aside, and that defendants have no interest in the lands, is not a final judgment from which an appeal will lie. 2. An appeal was properly taken in such a case from a judgment entered three years later ordering a sale of the lands for the payment of the decedent's debts, as this completed the final judgment of the court in the case. 3. Where a complaint to subject to the payment of debts of a decedent lands which he is alleged to have fraudulently conveyed recites facts showing that it is filed more than five years after the death of the decedent, a demurrer for want of facts should be sustained.

17957. Lake C. C. State ex rel. Matthews vs. Forsythe et al. Petition for rehearing

Appellate Court. WAREHOUSE-STORING GRAIN-OBLI-GATION OF BAILEE.

2197. Tippecanoe S. C. Baker vs. Born. Affirmed. Henley, J.-1. Where a warehouseman receives grain for storage in the ordinary course of business, to be placed in a common receptacle with a quantity of

that quantity of grain of like kind and quality subject to the depositor's order and to deliver it to the depositor on demand and | the highest of seven. the payment of charges. 2. The warehouseman is not bound to keep the identical grain deposited, nor any other particular grain, so long as he always has on hand a sufficient quantity of the proper kind and quality to restore what was deposited.

The warehouseman having the grain on hand is not in default for not returning the grain until it is demanded and the charges paid or tendered.

PRACTICE - NEGLIGENCE - CON-TRIBUTORY-MOTION. 2082. Tipton C. C. Hadley vs. L. E. & W. Railroad Company. Affirmed. Wiley, J.-1. The question of negligence or contributory negligence cannot properly be left to the jury where only one inference may be drawn from all the facts found. 2. As a general rule, this question is not for the ury where a special verdict is returned. 3. To run or back a train of cars across the street of a town or city without giving any notice or warning by the bell, whistle or otherwise is sufficient to establish negligence on the part of those operating the train. 4. Where a man who had for ten years been familiar with a station and switches drove up to a car standing on the switch and undertook to unload goods from it into his wagon while the cars was coupled to the rear end of a "live" freight train, which stood on the side track cut in two at two street crossings, he knowing that the engine was then doing some switching, and that the time when it would back up and couple the train together was uncertain, he was guilty of contributory negligence, and cannot recover for damages caused by the engine backing the train against the car in which he was at work. MECHANICS' LIEN - MATERIALS

FURNISHED TO MERCHANT. 2109. Marion S. C. Caulfield vs. Polk. Affirmed. Robinson, J.-1. Where a boilermaker sold to the Atlas engine works a poiler which it in turn sold to a person and received payment therefor, delivering it to the purchaser on board the cars at Indianapolis, the boilermaker cannot hold a mechanics' Hen on the purchaser's factory in which the boiler is placed, although he and Taylor went very fully into the history of | the engine works both understood the boller was bought for such factory. 2. Where a marketable commodity is sold and detivered to a purchaser at a distance from his building, and his liability in no way depends upon its value going to enhance that of the building, the purchaser is not, nor is his building, liable to the person from whom the seller purchased the article. 3 A material man is only protected by the mechanics'-lien law as to materials furnished to one who is authorized to put them into the building.

Superior Court. Room 1-John L. McMaster, Judge. Harvey Kennedy vs. George Dickson and Henry Talbott; damages. Jury found for de-

Room 2-Lawson M. Harvey, Judge. John H. Aufderheide vs. Jacob Franckel; on note. Judgment against defendant for \$445.64 and costs. James W. Egner vs. Frank Mummenhoff Dismissed by plaintiff and Robert Denny, trustee, vs. Advance Manufacturing Company; foreclosure, Dismissed and costs paid.

Room 3-Vinson Carter, Judge. William Bowlby vs. city of Indianapolis damages. On trial by jury. Charles E. Coffin, trustee, vs. Charles Hamilton et al.; foreclosure. Finding and judgment for plaintiff for \$564.50 and costs, Circuit Court.

Henry Clay Allen, Judge. Cincinnati Barbed Wire Fence Company vs. Daniel A. Chenoweth et al.; on draft Submitted for trial by court and evidence

New Suits Filed. Albert H. Lowes et al. vs. Mary P. Connett et al.; to foreclose. Superior Court Room 2. Louetta Cox et al. vs. Eli Shone et al. to quiet title. Circuit Court. Ella A. Webb vs. William A. Rhodes; to Superior Court, Room Nellie Wilkey vs. John W. Wilkey; divorce. Superior Court, Room 2. Parry Manufacturing Company vs. R. C Kelsey; on note. Superior Court, Room Anna Wapnitz vs. Jacob Dilges et al.:

on note. Superior Court, Room 1.

to foreclose mortgage, Superior Court

Michael O'Connor et al. vs. Leo A. Blatz;

TANGLE OF THE MERCHANT POLICE AS STRAIGHTENED OUT.

Viewing Proposed River Park Lands -Improvements Ordered and Contracts Let.

The Board of Safety last night decided the long-disputed question of the right of Harry Thrush to the Indiana-avenue merchant police district. Thrush bought the district in the regular way, paying the widow of the former Merchant policeman. T. E. Callahan obtained a few customers and set up an independent route. He applied for police powers. Thrush opposed him, and Callahan obtained more names thirty customers, all of whom asked the any authority upon the ground that it did not wish to set a precedent. The Merchant police force is well organized and the board has made it a rule to grant powers only when recommended by the Merchant police

dismissal of the charges preferred by John Burnett, of Haughville, against Patrolman William Stevens. He charged Stevens with conduct unbecoming an officer, and claimed that Stevens had grabbed hold of him as if to arrest him, when he had no cause whatever. Last night Burnett asked permission to have a private talk with Stevens. The courthouse, and when they returned Burnett withdrew the charges and the board dropped the case. It was explained that Superintendent Colbert had investigated the case and found that the charges were unfounded. Stevens was chasing some men who ran into a crowd. He thought Burnett was one of them, and took hold of Seeing he had made a mistake he apologized.

Superintendent Colbert called attention to he fact that the department was without a place to keep its horses and wagens. The stable attached to the old police station belongs to the Metzger agency, and they want to begin removing the material today. At the last meeting the board accepted the proposition of W. A. Sullivan for the rent of a stable in the rear of 230 East Washington street; but the tenant now occupying the place refuses to move. Superintendent Colbert was authorized to make an arrangement as best he could. He will probably make a contract with George Herrmann, who has a stable of Pearl street, just west of the jail. The board ordered the members of the West Indianapolis fire force to present themselves to the police surgeon for medical examination. It is the intention of the board to retain such of them as pass the examination. Dr. Curryer presented a claim of \$5,30 for damages done to his buggy by chemical engine No. 2. The buggy was standing on

North Illinois street and was run into. nformation which the board received led to the belief that there was carelessness on the part of the driver of the chemical and f Dr. Curryer. The bill was referred to Chief Barrett for investigation. Police powers were granted as follows: Harry Clifford, T., H. & I. warercoms; Alfred McGruder, Fletcher's Bank; Albert Travis, Panhandle freight house; Andrew Beck, T., H. & I. yards; Patrick Pyne, Indianapolis Stove Company's shops; O'Connor and Timothy Shannon, Brightwood Big Four shops. Superintendent Colbert suggested that he new police station should have more

han one patrol wagon. He asked for an additional one immediately, but the board could not see the way financially for it. There is more work than one wagon can do. Asphalt and Sewer Contracts. A couple of contracts were awarded b the board yesterday. For asphalting New

York street, from East to Noble, to a width of thirty feet, the bid of the Western Paving and Supply Company, \$5.13 a lineal foot, each side, was accepted. There were but two bids for this work. That of the Indiana Bermudez Asphalt Company was I cents a foot higher. Once before the board advertised for bids on this work. The company receiving the contract yesterday at that time bid \$5.25 a foot. Although the price is 12 cents a foot less, it is considered pretty high by the property owners who have the bill to pay.

The contract for a local sewer in Tacoma avenue, from Washington to New York street, went to the lowest bidder, the Inis not yet organized. The Governor ex-presses considerable regret at his inability from the store and new grain added, the to attend.

The Governor ex-knowing that sales are continually made diana Construction Company, which bid from the store and new grain added, the obligation of the warehouseman is to keep close. F. C. Lingenfelter & Co. bid \$1.11,

and W. H. Abbett & Co., \$1.114. From

RIVER FRONT PARKS. Mayor and Park Board Look at Lands

Below Indiana Avenue. Mayor Taggart and Messrs. Claypool and Holt, members of the Board of Park Commissioners, met about two hundred citizens of the west part of town yesterday morning and went over the ground that it is proposed the park board shall buy. After the trip the mayor said that there was much beautiful land that seemed suitable for park purposes in the tract between Indiana avenue and Washington street along White river and expressed the opinion that the people of the West End ought to be recognized in their demands. Mr. Claypool, who will have the deciding vote on the subject, said that he did not care to talk before the meeting of the board to-morrow afternoon. After the site had been viewed George Merrit took a position facing crowd and asked for expressions on the subject. W. H. Brown moved that the assemblage of two hundred or more adopt a resolution expressing itself as in favor of an additional appropriation of \$100,000 by the Council for the purchase of park lands. It was adopted without a murmur and a committee was appointed to confer with a large number of persons who own land for the purpose of obtaining their consent to sell the land at the appraised figure. Louis Windheimer said that Frank A. Maus had told him a few days ago that he would take \$300 an acre for his land. Mr. Helt remarked that this was different from what Mr. Maus told the board, as he demanded from it \$1,000 an acre. The committe is to report to the board at its meeting to-morrow afternoon. It is hoped that the appraisers will be able to report to-

the proposed park system. New Improvements Ordered. The Board of Public Works does not seem to be much discouraged by the action of the Council in neglecting to back it up in its efforts to make public improvements over remonstrances of the taxpayers who have to pay for the improvements and goes right ahead. A number of new improvements were ordered yesterday, the most important of which is for cement walks on Vermont street, from East to West street, with the exception of the south side of the street along University Square. The engineer was given a long list of new improvements with instructions to prepare the necessary specifications and other papers. The list calls for cement walks on North street, from Meridian to Senate avenue; cement walks on New Jersey street from Washington to Massachusetts avenue: cement walks on Central (old Fort Wayne avenue), from Pennsylvania to St. Mary street, and on Alabama street, from Sixteenth to Nineteenth street.

morrow what they have assessed as the

benefits and damages to lands effected by

Municipal Notes.

Remonstrances against the local sewer in Eastern avenue, from Washington to New York street, were overruled and the plans for the sewer will not be modified. Last year the custom of razing horse racks and hitching posts where cement walks are laid next the curb line was adopted. Yesterday the city engineer was instructed to follow the same course this year. Exceptions are made in case of churches.

A communication was received from the Indianapolis Water Company stating that t would be unwise to lay water mains in New Jersey street, from Fourteenth to Seventeenth street, until a big fill has been made. The company was authorized to de lay laying this main until the board decide whether the street is to be improved. It is likely that it will be ordered and the board expects to meet with remonstrances.

> BOARD OF PUBLIC WORKS. Resolutions Adopted.

For cement walks on the north side of Vermont street, from East to Meridian, and on the south side, from East to Pennesylvania, and on both sides, from Meridian to West street. For asphalting East street, from St. Clair to Tenth For graveling the first alley north of Tenth street, from Jefferson avenue to Key-For a local sewer on Eleventh street west from the Park-avenue sewer to forty feet west of the first alley.

Engineer's Plans Ordered. For a brick roadway on Osage street from Washington to Market. For a long leaf yellow pine block pavement on Tenth street, from Delaware to Pennsylvania. For gravel roadway, cement walks and stone curbs on Rural street, from New York to Michigan. For cement walks on North street, from Meridian to Senate avenue. For cement walks on New Jersey street, from Washington to Massachusetts avenue. For cement walks on Central avenue (old Fort Wayne avenue), from Pennsylvania to St. Mary street. For cement walks on Alabama street from Sixteenth to Nineteenth street. For gravel roadway, cement walks and stone curbs on New York street, from Rural

to Tacoma avenue. Petitions Filed. For opening Wilson street, from Patsy Patterson's addition to Michigan street. For a brick walk on the north side of Elizabeth street, from Maxwell to Wilson.

AMUSEMENTS. The Holden Comedy Company will repeat "Dangers of a Great City" at the Grand this afternoon and to-night, and the star attraction will be Kid McCov, who arrived last night and will appear at 2:30 and 8:30 in a sparring exhibition, as well as a few enced men, but do not know where to A somewhat irregular proceeding was the rounds with the punching bag. McCoy find them. comes on right after the first act and repeats his exhibition at both performances to-morrow and Saturday. He will attract much attention the rest of the week at the Grand. To-morrow the Holden company will change the bill to "The Westerner, which has never been seen here, and on Saturday the play will be "The Inside Track." For the first half of next week the Grand has "The Pulse of New York."

The Empire was packed to the doors again last night, and many who witnessed the first performances were in attendance. bringing their friends. The performance of the Tenderloin Company is causing much talk about town, and there is every indication that the attendance the remainder of the week will keep up. "Egypt" and her dance is the feature.

Chief Joseph Will Star with Cody. WASHINGTON, April 21.-The Interior Department has granted permission to Chief Joseph, the Nez Perce warrior, to accompany Colonel Cody in his Wild West show. Chief Joseph is the famous Nez Perce chief captured by Generals Miles and Howard in 1877, after a pursuit of nearly 3,000 miles towards the British fron-

Will Join a Concert Company.

Special to the Indianapolis Journal. TERRE HAUTE, Ind., April 21.-Miss Maud Paige, who has been one of Terre Haute's best-appreciated singers in local concerts, will travel next season with a concert company.

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